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Held at Headquarters, New York, on Tuesday, 25 October 2011, at 10 a.m.

Chair: Mr. Haniff ..... (Malaysia)

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The meeting was called to order at 10.10 a.m.

Agenda item 65: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/66/L.24)

Draft resolution A/C.3/66/L.24: The girl child

1. **Ms. Bhoroma** (Zimbabwe), speaking on behalf of the Southern African Development Community, introduced the draft resolution, which addressed the emerging challenges confronting the girl child. It also stressed the multiple challenges facing girls with disabilities and those living in particularly difficult situations such as humanitarian emergencies and conflict, or being forced into marriage and having to head households. Child-headed households, headed by girls in particular, were the theme of the draft resolution. She emphasized that education could do much to free girls from poverty, discrimination and violence, and give them access to better health care.

2. **Mr. Gustafik** (Acting Secretary of the Committee) said that Panama wished to become a sponsor of the draft resolution.

Agenda item 66: Rights of indigenous peoples (*continued*)

(a) Rights of indigenous peoples (*continued*) (A/C.3/66/L.26)

Draft resolution A/C.3/66/L.26: Rights of indigenous peoples

3. **Mr. Mamani Machaca** (Plurinational State of Bolivia) introduced the draft resolution, noting that Cuba and Panama had joined the list of sponsors. The aim of the draft resolution was to convene a one-day high-level meeting on 10 December 2012 to commemorate the fifth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. It was hoped that Member States, observers, United Nations representatives and experts as well as representatives of organizations of indigenous peoples and non-governmental organizations working on issues relating to indigenous peoples would participate in the meeting, in order to promote substantive and constructive dialogue.

Agenda item 69: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/66/L.23, A/C.3/66/L.27, A/C.3/66/L.28, A/C.3/66/L.29)

Draft resolution A/C.3/66/L.23: International Covenants on Human Rights

4. **Mr. Gomez** (Sweden), introducing the draft resolution on behalf of the Nordic countries, said that Argentina, Canada, the Dominican Republic, Japan, Liechtenstein, Monaco, Peru, the Republic of Korea, Serbia, Turkey and Uruguay had become sponsors. The text was shorter and more procedural than that of previous sessions, designed to ensure that the issue remained on the Committee's agenda, and that more time could be devoted to reflection and discussion on the best way to proceed on the important issues addressed, in view of the ongoing discussions on treaty-body strengthening and reform. Its purpose was to urge universal ratification, to minimize the number of derogations and reservations, to encourage timely and efficient reporting by States parties, and to acknowledge the work of the Committee. He reiterated the sponsors' call for universal ratification of the covenants and optional protocols cited in the draft resolution.

Draft resolution A/C.3/66/L.27: World Down Syndrome Day

5. **Mr. Almeida** (Brazil), introducing the draft resolution, said that Argentina, Australia, the Dominican Republic, Guatemala, Ireland, Peru, Portugal, Singapore and the United States of America had joined the sponsors. The draft text aimed to raise awareness of Down Syndrome among civil society, Member States, and the United Nations by celebrating the Day on a voluntary basis on 21 March, a date representing the three copies of chromosome 21, unique to people with Down syndrome. A number of countries already celebrated that day. A revised draft text would be submitted with minor changes.

6. **Mr. Gustafik** (Acting Secretary of the Committee) said that Bangladesh, Jamaica, Panama and Turkey wished to become sponsors of the draft resolution.

Draft resolution A/C.3/66/L.28: Torture and other cruel, inhuman or degrading treatment or punishment

7. **Ms. Raabyemagle** (Denmark), introduced the draft resolution, noting that Australia, Brazil, Canada, the Dominican Republic, El Salvador, Honduras, the Maldives, New Zealand, Poland, the former Yugoslav Republic of Macedonia and Ukraine wished to join the sponsors. The current draft resolution asserted more forcefully the non-derogable and absolute right of freedom from torture and other cruel, inhuman or degrading treatment or punishment. She called on Governments to fully implement that absolute prohibition. The text also further highlighted the important role of national preventive mechanisms, and new preventive measures States should take, including registration of all allegations of torture and cruel, inhuman or degrading treatment or punishment in order to fulfill States' obligation to examine all such allegations and prosecute those responsible. It contained improved language to protect victims in those circumstances, namely in relation to solitary confinement and incommunicado and secret detention. The text also improved the language aimed at preventing the circulation of goods and equipment that were produced, sold, bought and used for the sole purpose of inflicting pain.

8. **Mr. Gustafik** (Acting Secretary of the Committee) said that Moldova also wished to become a sponsor of the draft resolution.

Draft resolution A/C.3/66/L.29: Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

9. **Mr. De Léon Huerta** (Mexico), speaking also on behalf of New Zealand and Sweden, introduced the draft resolution, noting that Croatia and Portugal had joined the sponsors. The innovative and inclusive character of the negotiations that had given rise to the Convention the Rights of Persons with Disabilities must be maintained in the implementation phase. To that end, the Committee on the Rights of Persons with Disabilities needed adequate means to facilitate its consideration of States parties' reports, especially as it was the treaty body with the least amount of meeting time — just two weeks a year. At the current rate, it would take the Committee eight years to consider the initial reports being submitted by States parties. The draft resolution thus requested that the Committee be given more time to carry out its work. Since Committee members were themselves persons with disabilities, particular conditions needed to be met to ensure that they could carry out their important work.

10. **Mr. Gustafik** (Acting Secretary of the Committee) said that Guinea and Togo wished to become sponsors of the draft resolution.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/66/156, A/66/161, A/66/203, A/66/204, A/66/216, A/66/225, A/66/253, A/66/254, A/66/262, A/66/264, A/66/265, A/66/268-272, A/66/274, A/66/283-285, A/66/289, A/66/290, A/66/293, A/66/310, A/66/314, A/66/325, A/66/330, A/66/342, A/66/342/Add.1 and A/66/372)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/66/21, A/66/267, A/66/322, A/66/343, A/66/358, A/66/361, A/66/365, A/66/374 and A/66/518)

11. **Ms. Sepúlveda Carmona** (Special Rapporteur on extreme poverty and human rights), introducing her report (A/66/265), said that poverty was often the result of poor policy choices by State authorities and other powerful economic entities. Those policies too often misattributed the situation of the poor to laziness, irresponsibility or criminality and only further exacerbated their situation. The recent global financial and economic crisis had demonstrated how easy it was to succumb to poverty, unemployment and exclusion. Measures that penalized, segregated and undermined the autonomy of people living in poverty, including through the banning of begging, sleeping and eating in public parks and other spaces, had been adopted with increasing frequency over the past thirty years, and had even intensified in recent years due to the global economic and financial crises. Such measures only served to push more individuals into the criminal justice system and ignored the root causes of homelessness. They were unjustifiable even from an economic perspective, as they were costly to implement and only resulted in more entrenched and widespread poverty.

12. The privatization and gentrification of public spaces and transport facilities pushed people living in poverty to the outskirts of cities, further away from

jobs, markets, education and health centres, thus exacerbating segregation and social exclusion, and hindering them from improving their lives and contributing to society. States were also increasingly adopting intrusive welfare regulations that subjected those receiving social benefits to extensive surveillance and scrutiny, and harsh legal sanctions. Benefits were often suspended or cancelled for failure to meet onerous conditions. The poor were disproportionately detained and imprisoned, not because they were more prone to criminality, but because of unfair regulations.

13. The punitive measures being undertaken against people living in poverty prevented them from enjoying a whole range of human rights, including the rights to an adequate standard of living, to freedom of expression and association, and to social security. The need for budgetary austerity did not legitimize the adoption of laws and policies that punished the poor. Such measures undermined human rights and were costly to implement. If resources were instead invested in comprehensive rights-based social protection systems and public services, including housing, States could drastically improve the lives of the poorest. States must remove the legal, economic, social and administrative barriers that the poor faced in accessing food, shelter, employment, education and other social benefits.

14. **Ms. Arias** (Peru) asked what measures must be taken to combat the stigmatization and marginalization of persons living in extreme poverty, who routinely faced discrimination in society. Peru welcomed the Special Rapporteur's report and intended to continue working to address the problems faced by persons living in extreme poverty, including through sponsorship of the annual draft resolution on the subject.

15. **Ms. Yang** Chuanhui (China) said that her delegation appreciated the Special Rapporteur's diligence in preparing reports of a high quality and urged her to continue conduct of her work in a fair and objective manner that complied strictly with her mandate. As a special procedure of the Human Rights Council, that mandate gave her a major role in eradicating poverty and promoting the rights of the poor.

16. Developed countries should provide more official development assistance to developing countries, reduce or cancel debts, transfer technology and eliminate trade protectionism. Development through effort and self-reliance should be encouraged in order for persons to lift themselves out of poverty and backwardness. Experiences in poverty reduction should be studied, and North-South collaboration should be pursued in the context of implementing the Millennium Development Goals (MDGs) to promote the rights of persons living in poverty.

17. Having attained Millennium Development Goal 1 on poverty reduction in advance — the only country to do so — China would continue to strive to promote and protect the rights of all persons including those living in extreme poverty.

18. **Mr. Quintaes** (Brazil), hailing the efforts of the Special Rapporteur, said that poverty eradication and elimination of chronic hunger should underpin the international community's efforts to achieve the MDGs, with less than four years remaining until the target date. The most recent official estimates indicated that, while global crises had slowed progress on MDG 1, the world remained on track to attain that Goal within the agreed time frame. Progress had been uneven within countries and regions, and profound inequalities must be addressed.

19. The economic crisis had affected global prospects for decent work, setting off an employment crisis. The number of workers living in extreme poverty had increased by over a third in 2010 and 20 per cent of the global work force received less than $1.25 a day in wages.

20. Brazil was fostering employment opportunities that would in turn secure a higher level of social integration for the underprivileged; measures taken included a comprehensive cash transfer programme and the provision of financial assistance to mothers. The aim of his Government's ambitious poverty eradication strategy was to increase the revenue and improve the living conditions of the 16.2 million Brazilians still living in extreme poverty, thus enabling them to enjoy basic social and economic rights. Brazil looked forward to productive discussions at the forthcoming session of the Commission for Social Development, which had poverty eradication as its theme.

21. **Mr. Komar** (Indonesia) said that his Government supported the adoption of all necessary measures to protect the human rights of persons living in extreme poverty, and had integrated those rights into its medium- and long-term development plans.

Indonesia's development strategy focused on ensuring citizens' rights to food, education, housing, clean and safe water, a clean environment and natural resources.

22. While the Special Rapporteur's policy recommendations were well founded overall, some of them were impractical, given the complex situation that the least developed countries faced, particularly with regard to budget constraints. In that connection, he wondered whether the Special Rapporteur could shed light on possible measures to ensure that developing countries, in particular the least developed countries, were able to implement her report.

23. **Mr. Tagle** (Chile) asked which measures might be taken to empower the poor, especially with regard to encouraging their participation and heeding their input in projects that might concern them, as a matter of human dignity and respect for human rights. The issue of the impact of climate change and natural disasters on developing countries was a sensitive one for Chile, which had been hit by a major earthquake the previous year. His delegation would therefore also appreciate more information on how best to help persons living in poverty, especially those affected disproportionately by the compounded effect of climate change, natural disasters, the economic crisis, and the resulting austerity measures taken by Governments.

24. **Mr. Sharif** (Malaysia) said that his Government's poverty reduction strategy had yielded tangible results over the past five years, as evinced by the fact that the overwhelming majority of Malaysian households had attained a standard of living above the extreme poverty line. In addition, Government agencies were administering training programmes for poor households. Noting that the eradication of poverty — a multidimensional phenomenon that encompassed social exclusion, discrimination and structural inequality — would require multifaceted efforts from all stakeholders in a given society, including the poor, he reiterated his country's willingness to share its experience in that area with other developing countries through technical cooperation programmes.

25. **Ms. Reckinger** (Observer for the European Union), speaking also on behalf of the candidate countries Croatia, Iceland, Montenegro, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina and Serbia; and, in addition, Armenia, Azerbaijan, Georgia, Liechtenstein, Norway, the Republic of Moldova and Ukraine, stressed the serious commitment of the European Union to the fight against poverty. Information would be welcome on how to elicit input from the people targeted by penalization measures related to poverty, as well as on best practices in that regard. She would also like to know what could be done to counter discriminatory stereotypes and stigmatization of persons living in poverty, in the face of slanted media reports that led to public calls for harsher penalization of the poor. Lastly, she enquired about best practices in facilitating the access of persons living in poverty to better legal assistance.

26. **Ms. Sepúlveda Carmona** (Special Rapporteur on the question of human rights and extreme poverty), in response to the question posed by the representative of Indonesia, said that it was important that developed States continued to make efforts to contribute 0.7 of their gross domestic product to official development assistance, in compliance with the Paris Declaration on Aid Effectiveness. However, recipient countries also had certain obligations, chief among them to ensure that the money they received was allocated directly to realizing human rights and fighting corruption, which could eat into the funds received.

27. Persons living in poverty had a fundamental right to participate in the design and implementation of poverty eradication programmes, which could not be sustainable or effective without their involvement. Unfortunately, some efforts to foster participation of the poor in such programmes were limited in that they aimed to ensure only that certain marginalized groups, such as women, were formally represented and consulted, but not necessarily that they actually engaged meaningfully in discussions. Assymetries of power between cities, genders, ethnicities, and other categories should be taken into account in designing a consultation process that fostered genuine participation. The obstacles affecting availability to participate, such as economic and time constraints, must also be taken into account. The conditionalities in some poverty reduction schemes, such as cash transfer programmes that made disbursement contingent on children's school enrolment or vaccination, placed an added burden on recipients, especially in the case of women. Certain conditionalities also put women at greater risk of falling prey to domestic violence. It was therefore essential that such issues be addressed when designing

policies in order to avoid perpetuating gender stereotypes regarding household roles.

28. In her report, she had given numerous detailed examples of how the principles of participation, transparency, accountability and access to information were to be reflected in public policies. She thanked delegations for their input and interest, which reflected their genuine commitment to poverty eradication, a commitment also evinced in their domestic policies.

The meeting rose at 11.25 a.m.